



Rights Restrictions 101

An Overview



Wyoming
Department
of Health

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Behavioral
Health
Division

What is a Rights Restriction?

It is an artificial or temporary limitation imposed on a person's freedom to engage or not engage in activities of daily living or choice.

Examples of a Rights Restriction?

- Privacy
- Move Freely Inside and Outside the Residence (Community Access)
- Spend Money
- Access to Personal Possessions

What are Needs and Risks?

A needs and risk is when a person has a lifelong condition that will always require support in a certain area.

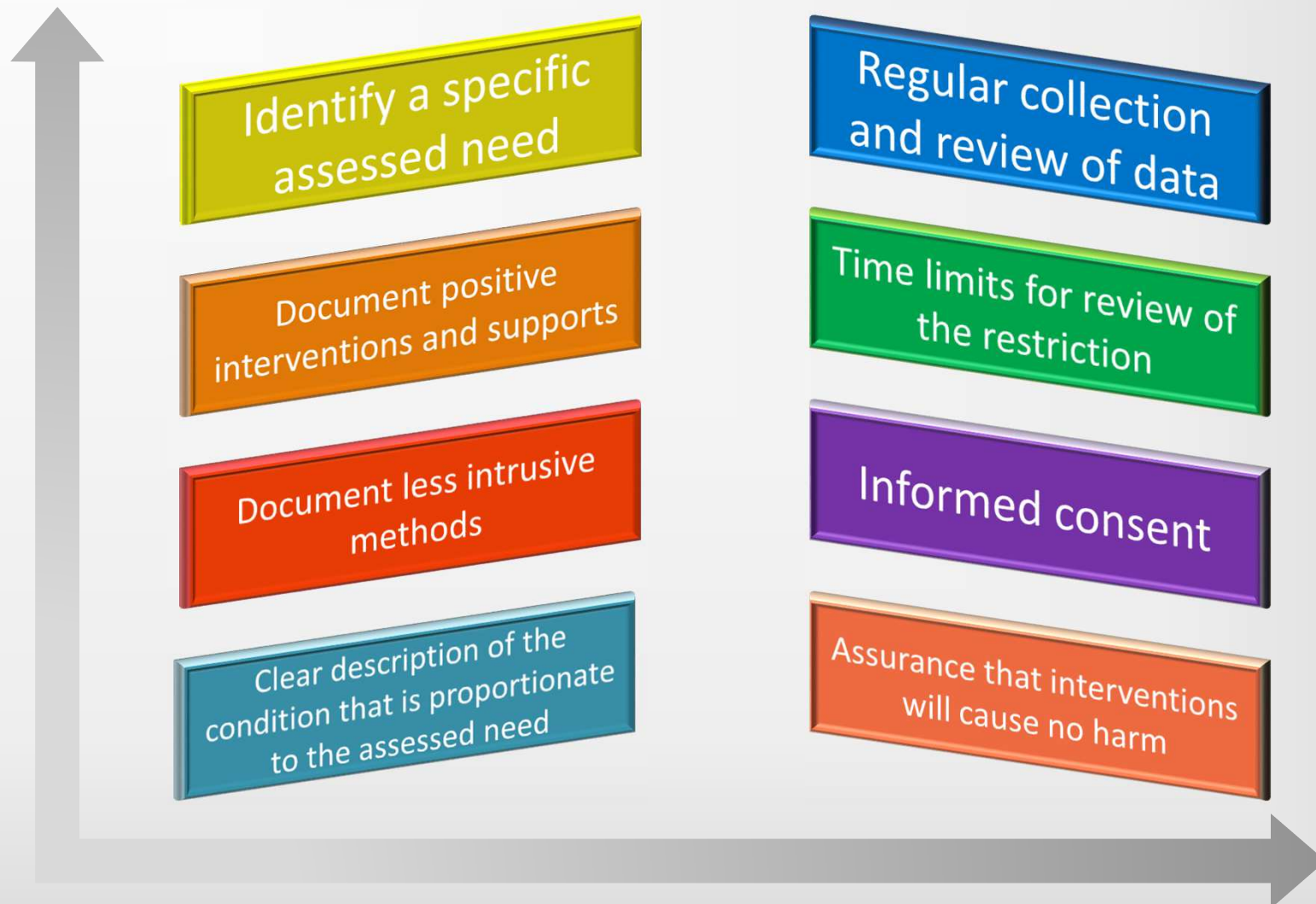
Examples of Lifelong Support Needs?

- Privacy
- Move Freely Inside and Outside the Residence
- Food

CMS Rules

- Protect participant rights
- Ensure a right is only restricted when appropriate
- Restriction fits with assessed need
- Justified in the person-centered service plan
- Not based on medical condition

CMS Rules – 8 Point Criteria



Restoration Plans

Restoration plans should identify the following:

- Identify what part of the right is restricted
- Ensure that the participant's right is not fully removed
- Assisting the participant with exercising their right to the fullest extent possible
- Set goals for restoration of rights (training)
- Established time limits for periodic review

➤ Restoration plans for guardian imposed restrictions

What Does Proportionate to a Specific Need Mean?

Examples:

Not proportionate to a specific need

- A restriction from going into the community because a person yelled at a housemate
- A restriction from using the phone because the person has a tendency to call 911
- A restriction from talking to family or friends because they did not do a chore

What Does Proportionate to a Specific Need Mean?

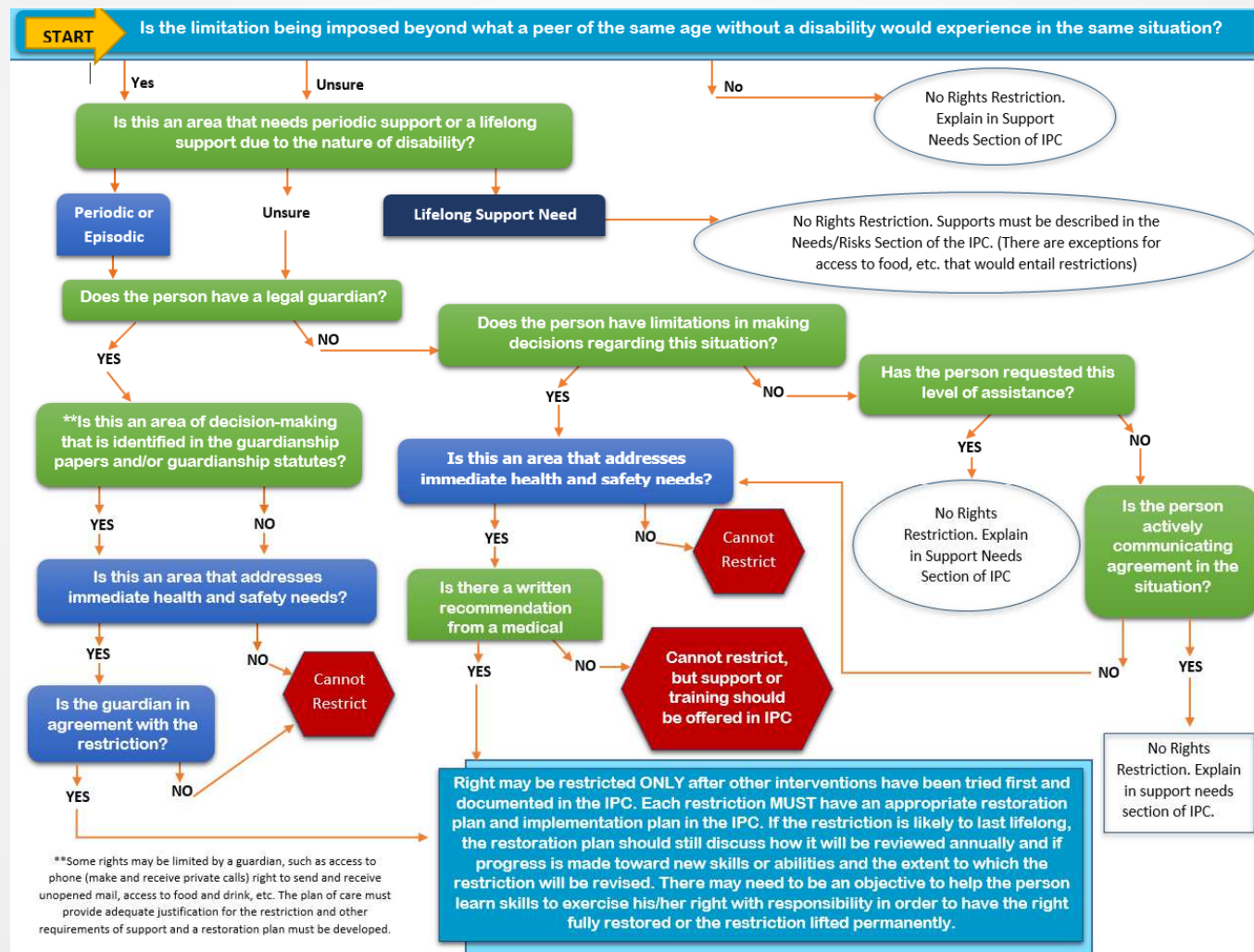
Example:

Proportionate to a specific need

- A restriction from the community because a person is making threats to harm another individual

This person must have positive support interventions tried before the restriction occurs.

Process to Determine if a Restriction is Appropriate



**Some rights may be limited by a guardian, such as access to phone (make and receive private calls) right to send and receive unopened mail, access to food and drink, etc. The plan of care must provide adequate justification for the restriction and other requirements of support and a restoration plan must be developed.

Questions

